

**TUESDAY, JANUARY 11, 2000**

**THIRTY-NINTH LEGISLATIVE DAY**

The House of Representatives of the One Hundred First General Assembly of the State of Tennessee was called to order at twelve o'clock noon by Speaker Naifeh, in accordance with Article II, Section 8 of the Constitution of the State of Tennessee and pursuant to Senate Joint Resolution No. 6.

The proceedings were opened with prayer by Dr. James Fitch, First Baptist Church, Gallatin, Tennessee.

Representative McDonald led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 2004:** Rep(s). Ferguson as prime sponsor(s).

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 12, 2000:

**House Resolution No. 113** -- Memorials, Heroism - Eddie Cox, Rockwood Good Samaritan. by \*Ferguson.

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**House Resolution No. 114** -- Memorials, Academic Achievement - Ralph Ramey, FFA national award recipient. by \*Ferguson, \*Givens, \*Bowers, \*Caldwell, \*Bone, \*Windle, \*Baird, \*Goins, \*Ford S, \*Roach.

**House Resolution No. 115** -- Memorials, Sports - 1999 Kingston High School boys' golf team, TSSAA state champions. by \*Ferguson.

**House Resolution No. 116** -- Memorials, Public Service - Ashley L. Glover. by \*Phillips.

**House Joint Resolution No. 369** -- Memorials, Recognition - Archbishop Desmond Tutu. by \*Brooks.

**House Joint Resolution No. 370** -- Memorials, Retirement - Janice Hastings. by \*Phillips, \*Fowlkes.

**House Joint Resolution No. 372** -- Memorials, Personal Achievement - James H. McKenzie, "Mr. Democrat.". by \*Lewis.

**House Joint Resolution No. 373** -- Memorials, Personal Achievement - Barbara Snyder, "Mrs. Democrat.". by \*Lewis.

**House Joint Resolution No. 375** -- Memorials, Public Service - Charles Eaker Orr, Minister of Education Emeritus. by \*Ridgeway.

### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1928** -- State Employees - Adds prohibition on any law, rule or policy from depriving state employee or official from running or campaigning as candidate in any political race to Little Hatch Act. Amends TCA Title 2, Chapter 19, Part 2. by \*Hargrove.

**House Bill No. 1929** -- Bond Issues - Authorizes issuance of bonds to fund state projects for fiscal year 1999-2000. by \*Head.

**House Bill No. 1932** -- Election Laws - Permits certain nonresident taxpayers in Spring Hill to vote in municipal elections. Amends TCA Section 6-53-102. by \*Sands, \*Williams (Williamson).

**House Bill No. 1937** -- Police - Raises standard of proof required to rebut statutory presumption that police officer's or firefighter's hypertension or heart disease work related. Amends TCA Section 7-51-201. by \*Tindell, \*Kent, \*Todd.

**\*House Bill No. 1939** -- Motor Vehicles, Titling and Registration - Authorizes new specialty earmarked plates for Le Bonheur Children's Medical Center; earmarks portion to such center. Amends TCA Title 55, Chapter 4, Part 2. by \*Brooks.

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**House Bill No. 1942** -- Boards and Commissions - Authorizes liaisons, appointed to sports authority board to represent state government and/or city council or county commission for jurisdiction in which authority organized, to vote on matters before board except for purpose of making quorum. Amends TCA Section 7-67-108. by \*Jones U (Shelby).

**\*House Bill No. 1943** -- Boards and Commissions - Authorizes liaisons, appointed to sports authority board to represent state government and/or city council or county commission for jurisdiction in which authority organized, to vote on matters before board, except for purpose of making quorum. Amends TCA Section 7-67-108. by \*Jones U (Shelby).

**\*House Bill No. 1944** -- Industrial Development - Requires corporation to obtain municipal approval before waiving taxes over property of municipality it does not represent; imposes payment in lieu of taxes to non-approving municipality. Amends TCA Section 7-53-305. by \*Jones U (Shelby).

**House Bill No. 1956** -- Taxes, Severance - Permits Johnson County to levy severance tax. Amends TCA Section 67-7-202. by \*Mumpower.

**\*House Bill No. 1973** -- Utilities, Utility Districts - Increases board of commissioners of Turnbull-White Bluff Utility District of Dickson County from three to five members, to be appointed by county executive; initial terms to expire 12/31/99, with subsequent appointments to be four year terms. Amends TCA Section 7-82-307. by \*Jackson.

**\*House Bill No. 1975** -- Annexation - Extends date for developing recommended growth plan, for submitting such plan for approval to county legislative body, and for approval by the local government planning advisory committee for Overton County. Amends TCA Title 6, Chapter 58, Part 1. by \*Windle.

**\*House Bill No. 1978** -- Taxes, Alcoholic Beverages - Increases tax on sale or distribution of liquor from \$4.00 to \$4.50 per gallon Amends TCA Title 57 and Title 67. by \*McDaniel, \*Boyer.

**\*House Bill No. 2002** -- Tort Liability - Creates cause of action for damages against HMO or BHO and medical directors for harm to certain enrollees related to treatment decisions on access to services, procedures and facilities. Amends TCA Title 29. by \*Odum.

**\*House Bill No. 2003** -- Pensions and Retirement Benefits - Revises service retirement allowance for certain Group 1 members. Amends TCA Section 8-36-206. by \*Whitson.

**House Bill No. 2004** -- Taxes, Sales - Exempts construction, operation and repair of Spallation Neutron Source Project from sales and use taxes. Amends TCA Title 67. by \*Kisber, \*Ferguson, \*Caldwell.

**\*House Bill No. 2005** -- Highways, Roads and Bridges - Authorizes movement on highway of equipment with blade width not exceeding 14 feet. Amends TCA Title 54 and Title 55. by \*Ferguson.

**\*House Bill No. 2006** -- Taxes, Real Property - Allows property tax exemption to take effect retroactively up to 15 months earlier than date of application, but not earlier than date property began to be used for exempt purposes, when application is submitted due to relocation by applicant of use previously approved for exemption. Amends TCA Section 67-5-212. by \*Kisber, \*McDaniel.

**\*House Bill No. 2007** -- Motor Vehicles, Titling and Registration - Creates new license for dealers of certain electric self-propelled motor vehicles. Amends TCA Title 55. by \*Fraleigh.

**\*House Bill No. 2008** -- Workers' Compensation - Removes age related cap on workers' compensation benefits for employees who are permanently and totally disabled. Amends TCA Section 50-6-207. by \*Fraleigh.

**\*House Bill No. 2009** -- Autopsies - Requires municipalities and counties requesting autopsy from county medical examiner to pay such county medical examiner for autopsy. Amends TCA Section 38-7-104. by \*Fraleigh.

### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 527** -- Public Records - Prohibits publication or distribution of public record directory that contains information about non-participating entity. Amends TCA Title 10, Chapter 7. by \*Fowler. (HB786 by \*Wood)

**\*Senate Bill No. 1058** -- Drugs - Makes it lawful to own or receive legend drugs filled by mail by deleting restrictions and prohibitions. Amends TCA Section 53-10-104 and Section 53-10-105. by \*Ford J. (HB1800 by \*DeBerry L)

**\*Senate Bill No. 1675** -- Foster Care - Requires department of children's services to hire 12 paralegals to be phased in over two years to be used in foster care, adoption and permanency planning for children; makes legislative findings on use of paralegals in such program; encourages use of federal funds for such staff. Amends TCA Title 37, Chapter 2, Part 4. by \*Graves, \*Kurita. (HB1688 by \*Chumney)

**\*Senate Bill No. 1721** -- Licenses - Creates acupuncture licensing board; sets standards and processes for licensing of individuals to practice acupuncture and to be acupuncture detoxification specialists Amends TCA Title 4, Chapter 29 and Title 63. by \*Dixon, \*Ford J. (HB1679 by \*Kernell)

**Senate Bill No. 1770** -- Children's Services, Dept. of - Requires department to establish pilot program to provide financial assistance and certain services to persons who provide for care to children related to them. Amends TCA Title 37. by \*Person, \*Henry. (\*HB1849 by \*Jones, S., \*Boyer, \*Fowlkes, \*Ridgeway, \*Chumney, \*Walley, \*Lewis, \*Ferguson, \*Patton, \*Sands, \*Pinion, \*Maddox, \*West, \*Eckles, \*Langster, \*Hargett, \*Arriola, \*Black, \*Odom, \*Bittle, \*Caldwell, \*Pruitt, \*Phelan, \*Briley, \*Davis (Washington))

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**Senate Bill No. 1852** -- Tourism - Increases from \$35,000 to \$45,000 maximum state match allowable for locally generated contributions to promote regional tourism. Amends TCA Section 4-3-2207. by \*Ramsey. (\*HB1643 by \*McAfee)

**Senate Bill No. 1981** -- Motor Vehicles, Titling and Registration - Authorizes new specialty earmarked plates for Le Bonheur Children's Medical Center; earmarks portion to such center. Amends TCA Title 55, Chapter 4, Part 2. by \*Ford J. (\*HB1939 by \*Brooks)

### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2001** -- Henry County -- Local Bill Held on House Desk

### **REGULAR CALENDAR**

**\*House Bill No. 181** -- Firearms and Ammunition - Makes any person liable for failing to report possession of firearms by minors on school property. Amends TCA Section 39-17-1312. by \*McKee, \*Roach, \*Newton, \*Hargett, \*Todd, \*Pleasant, \*Black, \*Bunch, \*Maddox. (SB1442 by \*Elsea)

Further consideration of House Bill No. 181 previously considered on May 13, 1999, May 17, 1999 and May 24, 1999, at which time it was reset for today's Calendar.

Rep. McKee moved that House Bill No. 181 be re-referred to the House Judiciary Committee, which motion prevailed.

**\*Senate Bill No. 469** -- Firearms and Ammunition - Defines "personalized handgun"; restricts selling, assigning or otherwise transferring any handgun in this state unless it is personalized handgun; provides for personalized handgun study commission. Amends TCA Title 39, Chapter 17, Part 13. by \*Harper. (HB954 by \*Brooks, \*Cooper B, \*Jones, S., \*Brown, \*Pruitt, \*DeBerry L, \*Bowers)

Further consideration of Senate Bill No. 469 last considered on May 28, 1999, at which time the Senate Bill was substituted for the House Bill and the bill received a constitutional majority in the negative. A motion to reject was made and that motion was set over until today.

Rep. Westmoreland moved that the motion to reject Senate Bill No. 469 be reset for the Regular Calendar on January 20, 2000, which motion prevailed.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 371 out of order, which motion prevailed.

**House Joint Resolution No. 371** -- General Assembly, Recess&Reconvene - Recesses from Thursday, January 13 to Wednesday, January 19, 2000. by \*Hargrove, \*McDaniel.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, and seconded by Rep. McDaniel, the resolution was adopted.

A motion to reconsider was tabled.

**MESSAGE FROM THE GOVERNOR**

Pursuant to **Rule No. 78**, the Clerk read the Governor's veto of House Bill No. 461 and requested the same be spread upon the Journal:

**\*House Bill No. 461** -- Taxes, Exemption - Exempts from sales and use tax, sale of yard waste processed into mulch, compost, wood chips or wood by-products by local government or public instrumentality owning or operating municipal solid waste incinerator. Amends TCA Section 67-6-329. by \*McDonald, \*Black. (SB498 by \*Graves)

**GOVERNOR'S STATEMENT ON HOUSE BILL NO. 461**

I am vetoing House Bill 461/Senate Bill 498. Considering Tennessee's current tax structure, this is not the time for creating more exceptions, however small, to our sales tax base.

**REPORT FILED**

The Clerk announced that the Treasurer's Annual Report has been filed with the Clerk's Office and has been spread on the members' desks.

**REPORT FILED**

The Clerk announced that the Worker's Compensation Advisory Council has filed its report on issues related to the Assigned Risk Plan in Tennessee with the Clerk's Office and that the same is available for review.

**SPEAKER'S REMARKS**

*Welcome to the first meeting of the Tennessee General Assembly in the 21st Century. We closed a chapter of the State's history a week and half-ago when we entered the new millenium. We thankfully turned that corner in this State without too many glitches, thanks to the work of a great many dedicated men and women.*

*Last year, this body faced many difficult issues. There was great animosity among the members and dissension among the body. That is to be expected when the issues are great, and the consequences important.*

*We need to be honest with ourselves and with the people of the State. We did not come up with any solutions to dealing with the long-range financial concerns of the State of Tennessee. It doesn't matter where you were on the argument; we never solved the problem. And because we didn't solve the problem, it remains for us to deal with again this year.*

*Many of you have publicly stated that you are not excited about the thought of returning to this session. I know that is the result of all the tensions that were mounted last year.*

*We can either continue to bicker and work apart. Or we can begin to heal the wounds that divided us and start working together for the benefit of the people of this State. The choice is ours to make. The decision is up to each and every one of us.*

*To me, the choice is easy. I was elected to serve the people of my district. I have a responsibility to work hard on behalf of the 81st District. And I have a responsibility to deal with the issues that need addressing. And you have that same responsibility on behalf of the people of your district as well.*

*And I was elected by you to serve as your Speaker of the House and I intend to work hard at that responsibility.*

*The New Year is here. It is time to put aside the difficulties of the past and it is time to get this State moving forward again.*

*As for the budget, there are two simple parameters that we start out with this year.*

- 1. Our budget must be balanced.*
- 2. The votes are not there for major tax reform in Tennessee.*

*I very much appreciate the courage that the Governor of this State showed last year in working to reform our tax structure. He had a vision of where he wanted this State to go and he attempted to move this State towards that goal. But it was made clear to me during the last special session and it has been made clear to me since that time that the votes are simply not there at this time. And until someone can clearly demonstrate that the votes are there for real tax reform, I believe that the General Assembly's time has to be spent determining what realistic ways exist for balancing next year's budget.*

*I am, therefore, again calling on our Finance Committee to immediately begin working on the viable options that exist to balance the State's budget. This begins at 1:30 this afternoon. Those options, at this time, do not include an income tax but instead could include increased revenues, restructuring priorities within the existing budget, or making hard cuts.*

*Numerous people called for making government more efficient. Ladies and gentlemen, we do not need a budget crisis to be looking for ways to make our government work more efficiently. We ought to be doing that everyday.*

*But in keeping with that renewed call, I am requesting that this chamber get to work immediately in getting bills on notice and getting bills to the floor. I want every single committee, with the exception of the Finance and Calendar Committees, to attempt to shut down by the end of March. That gives you eleven weeks to take care of the business of your Committee. There is no reason that we cannot make our committees work faster and get our work done more efficiently. By doing that, we not only make government work better, we are saving the taxpayers of this State money.*

*I also want you to think, as you go about your duties, of ways that the State can become more efficient in its work. Whether it is by combining services or eliminating seldom used programs, I ask you to assist in this process. Generic discussions do not help; but reasonable and well thought out ideas do. And in order for you to make sure that your ideas get to me, I am asking you to give them to Connie Hardin of our Budget Office.*

*And as we deal with the issues of the Budget, we cannot forget the rest of our duties to the State. The concerns about the TennCare program should be everyone's concerns, not just the Administration's. We should be ready and willing to assist the Administration in whatever ways are necessary to strengthen and assure the longevity of the TennCare Program. To keep us informed on this extremely important issue, I am asking Doug Jackson as Co-Chairman of the TennCare Oversight Committee to report weekly to this body as a whole on the efforts being made by the Administration to deal with the concerns about TennCare. I have confidence in the work of Commissioner John Ferguson and Assistant Commissioner John Tighe; we must be ready to help.*

*One other issue needs addressing today. Questions have arisen lately regarding issues concerning the welfare of our children. The inability of our new child support system to get payments to waiting parents for their children concerned all of us. Before the end of last year, I, along with a combination of House Democrats and Republicans, met with Commissioner Metcalf of the Department of Human Services, in an effort to understand the problems with the existing system. The report I got from the Commissioner indicated an awareness of the problem and a plan to solve it. I told the Commissioner that day and I tell her again today, this body stands ready and willing to assist you in any way possible to make sure that the money flows to the right person in a timely manner.*

*I know that there are several groups already looking at child support concerns. In order to keep everyone informed, I am asking that Deputy Speaker Brenda Turner, Chairman Joe Fowlkes, Chairlady Carol Chumney, and Rep. Bob Patton check in with the Commissioner during the next several months and be prepared to identify to this Chamber any actions that we need to take in this vital matter.*

*The same thing holds true for the Governor's recently appointed task force on day care centers. Our children must be safe in their day cares; and their parents must feel comfortable that the highest standards of care are being practiced. The Governor appointed a task force to look into this matter; those House members serving on that task force, Speaker pro tem Lois DeBerry, Chairlady Carol Chumney, Chairman Joe Fowlkes, and Chairman Page Walley, need to let us know if there are steps that we should be taking to keep our children as safe as they can possibly be.*



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*We have work to do; there are issues to be reviewed and acted upon. Sure we have budget concerns--but we have quality of life concerns as well.*

*This State and the citizens of this State deserve our full attention. They deserve nothing less.*

*It is a New Year and the beginning of a new century. As elected representatives of the citizens of Tennessee, it is going to be our responsibility to help write this new chapter in our State's history; how we write it is up to each and every one of us. I ask that you join with me and that, together, we get this new century off on the right path.*

*Thank you.*

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1512:** Rep(s). Odom as prime sponsor(s).

### ENGROSSED BILLS January 11, 2000

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 371.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

### ROLL CALL

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

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**RECESS MOTION**

On motion of Rep. Hargrove, the House stood in recess until 2:00 p.m., Wednesday, January 12, 2000.